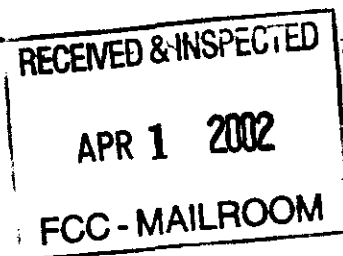




DOCKET FILE COPY ORIGINAL



Meritide, Inc.
708 Cleveland Ave. S.W.
St. Paul, MN 55112
1.866.MERITIDE

www.meritide.com

March 28, 2002

Federal Communications Commission
Office of the Secretary
445 - 12th Street, SW
Washington, DC 20554

THIS IS A COPY OF AN APPEAL THAT WAS SUBMITTED BY FACSIMILE ON 2/23/02. WE HAVE NOT RECEIVED ACKNOWLEDGEMENT THAT THIS WAS RECEIVED.

DUE TO PRIOR DIFFICULTIES IN TIMELY SUBMISSION OF APPEALS ARISING OUT OF THE SEPTEMBER 11 TRAGEDY WE ARE SUBMITTING THIS BY MAIL AS WELL.

In the matter of: Request for Review by Winnebago Public School District, Winnebago, Nebraska of Administrator's Decision on Appeal - Funding Year 2001-2002 by the Schools and Libraries Division of the Universal Service Administrative Company
FCC Docket Nos. 96-45 and 97-21 /

This appeal is Winnebago Public School District, Winnebago, NE
in reference to: Billed Entity Number: 138308
Relating to the following Form 471 Application Numbers:
259869 260153
259989 260240
260081 260261

Dear Commissioners:

The enclosed appeal was submitted by Facsimile on February 23, 2002 to the FCC at (202) 418-0187 with a copy to SLD/USAC at (973) 599-6542. We have not received any indication that either entity received the fax transmission. Because we were affected by the aftermath of September 11th twice previously, we are taking the extra precaution of sending this by mail since our appeal period will end on April 7, 2002. I apologize if this causes any inconvenience, however, the receipt of the E-rate funding is crucial to this rural school that primarily serves the Native American population from the surrounding Reservation. Therefore, we want to be sure that a failure of process does not destroy the opportunity for them to be helped by this program. Please contact me if you have any questions.

Sincerely,

Richard B. Peterson
Authorized Representative of
The Winnebago Public Schools

Cc: Letter of Appeal
Schools and Libraries Division
Box 125 - Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

No. of Copies rec'd 0
List ABCDE



*Original
Faxed 1/24/02
11:30 AM
2/23/02
Fax 599-6542
RBP*

SOFTWARE • SOLUTIONS • VALUE

Fax Transmittal

To: Federal Communications Commission Office of the Secretary	From: Richard B. Peterson Authorized Agent for Winnebago Public Schools
Fax: (202) 418-0187	Pages: 30 including cover
Phone:	Date: February 23, 2002
Re: Appeal of USAC/SLD Administrator's Decision on Appeal-Winnebago Schools	cc: Administrator SLD/USAC Fax: (973) 599-6542
<input type="checkbox"/> Urgent <input type="checkbox"/> For Review <input type="checkbox"/> Please Comment <input type="checkbox"/> Please Reply <input type="checkbox"/> Please Recycle	

• **Comments:**

Contact information for the person filing this appeal and who can most readily discuss this appeal with the Federal Communications Commission is:

Richard B. Peterson
Meritide, Inc.
708 Cleveland Avenue SW #200
St. Paul, MN 55112
Phone: (651) 255-7302
Fax: (651) 255-7302 (same as phone)
Cellular: (612) 867-9803
e-mail: dick.peterson@meritide.com

Meritide, Inc.

708 Cleveland Avenue SW
St. Paul, MN 55112
Phone 651-255-7300
Fax 651-255-7299
Toll Free 866-MERITIDE
www.meritide.com

WEB ENABLEMENT, APPLICATION DEVELOPMENT, SOFTWARE ARCHITECTURE, JAVA SOLUTIONS



February 23, 2002

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

In the matter of: Request for Review by Winnebago Public School District,
Winnebago, Nebraska of Administrator's Decision on Appeal –
Funding Year 2001-2002 by the Schools and Libraries Division of
the Universal Service Administrative Company
FCC Docket Nos. 96-45 and 97-21

This appeal is
in reference to: Winnebago Public School District, Winnebago, NE
Billed Entity Number: 138308
Relating to the following Form 471 Application Numbers:
259869
259989
260081
260153
260240
260261

Dear Commissioners:

This is an appeal of six Administrator's Decisions on Appeal dated February 5, 2002 relating to a Letter of Appeal of six (6) Funding Commitment Decision Letters for Funding Year 4. A copy of the original appeal dated September 17, 2001 is attached as **Exhibit A**. The Administrator's Decisions on Appeal are attached hereto as **Exhibits B-1 through B-6**. The appeals were "denied for referencing a Form 470 that was not certified before the close of the filing window."

The issue to be determined is whether or not an application for E-rate funding can be denied because applicant "could not provide a return receipt showing that the Form 470 Certification was mailed prior to January 18th, 2001."



It is the position of the Winnebago Public Schools that the applications in question cannot be denied for that reason and that to do so contradicts the instructions provided to applicants for the use of Form 470.

It is the further position of the Winnebago Public Schools that adequate proof of timely mailing has been presented to the Administrator.

The **factual background** for this matter can be summarized as follows:

Mr. Raymond Girard was the member of the faculty at Winnebago Public Schools who had the responsibility for applying for the E-rate program on behalf of the schools. He prepared the Form 470 Application in question and submitted it electronically on Saturday December 9, 2001. At that time the Form 470 carried Applicant's Form 470 Identifier of: "479Bago2000" and was given a Form 470 Application Number of: "412440000338204". Mr. Girard printed a copy of the Form 470 Application and signed the certification required in Block 5 and mailed that signed certification to SLD on Monday December 11, 2000. Mr. Girard is no longer on the faculty of the Winnebago Public Schools. He has, however, executed an affidavit stating that the required certification of Form 470 was indeed mailed to the correct address on December 11, 2000. **That Affidavit is attached to the original appeal dated September 17, 2001 attached hereto as Exhibit A at Page 3.** Attached to that affidavit is a complete copy of the Form 470 Application including the signed Block 5.

The **reasons** that the Administrator's Decision on Appeal cannot stand and must be reversed are as follows:

- The Instructions to Form 470 do not require that the signed Certification be mailed "Return Receipt Requested". Page 15 of the instructions for Form 470 that have been in effect since September 1999 is attached hereto as **Exhibit C**. The second bullet point on that page clearly states as follows:

" Mail the signed Block 5 Certification to: SLD-Form 470, P.O.Box 7026, Lawrence, Kansas 66044-7026. For express delivery or U.S. Postal Service Return Receipt Requested, send to: SLD-Form 470, c/o Ms Smith, 3833 Greenway Drive, Lawrence, Kansas 66046, phone (888) 203- 8100."

The **bold type** appears in those instructions, leading a reasonable person to believe that the preferred address would be the address in bold. If there is a hard



and fast rule that provides that a "return receipt showing that the Form 470 Certification was mailed prior to January 18th, 2001" was required, that rule could have and should have been clearly stated in the instructions to Form 470. At best, these instructions are ambiguous; at worst they are misleading. It is a well-settled principle that ambiguity should be resolved against the drafter.

- The problems caused by this mistake or ambiguity in the instructions has apparently been at least partially recognized by the Schools and Libraries Division of USAC. In a release entitled "**Documentation of "Postmark" for Manually Submitted Form 471 Application Materials**" dated 1/15/02 set forth on the "What's New" section of the USAC:SL website, attached hereto as **Exhibit D**, the following "advice" is given:

"Applicants who send application materials via the United States Postal Service (USPS) mail should obtain a "Certificate of Mailing" from the USPS (Form 3817) which will give the applicant a receipt showing the postmark date:"

If this was to be a requirement it should have been and should now be explicitly stated as such, rather than creating a trap for the unwary (and perhaps unsophisticated in the manner of proving mailing).

- The affidavit of Ray Girard attached at Page 3 of the original appeal dated September 17, 2001 attached hereto as **Exhibit A** is the **best available evidence** that the Form 470 Certification was mailed in a timely manner. There is no requirement that the applicant send this by "Return Receipt Requested" mail. The Administrator cites no evidence to support an implication that this schoolteacher who took on the additional responsibility for applying for the E-rate program for his School is not being truthful in his sworn affidavit. Such an implication is offensive under the circumstances of ambiguous or misleading instructions promulgated by the very Administrator making such implication. Mr. Girard does not stand to gain in any way from the funding of these E-rate applications. In fact, Mr. Girard is no longer a teacher in the Winnebago Public Schools, nor does he live in the community.

The E-rate program is very significant to the education of the Winnebago Public Schools student population, which is almost entirely Native American from the surrounding Reservation. Winnebago Public Schools is located in a rural area and has such a high



percentage of students eligible for the National School Lunch Program that the E-rate discount applicable for the Winnebago Public Schools is 90%. The above referenced Form 471 Applications represent a total commitment to technology of \$140,377.25 and a requested discount at the 90% rate of \$126,339.52. We therefore respectfully request your favorable consideration of this appeal. This is precisely the type of school that needs the assistance offered by this E-rate program

We respectfully request that the Federal Communications Commission grant the relief requested in the original appeal as set forth in the Letter of Appeal dated September 17, 2001 attached hereto as Exhibit A, approving the funding in the amount originally requested on Forms 471.

Meritide, Inc. and the undersigned Richard B. Peterson have been engaged as technology consultants for the Winnebago Public School District, Winnebago, Nebraska and have been requested and authorized to make and process this appeal of the Administrators Decision on Appeal. (See authorization letters attached as **Exhibits E-1 and E-2.**) Contact information for the person who can most readily discuss this appeal with the Federal Communications Commission is:

Richard B. Peterson
Meritide, Inc.
708 Cleveland Avenue SW #200
St. Paul, MN 55112
Phone: (651) 255-7302
Fax: (651) 255-7302 (same as phone)
Cellular: (612) 867-9803
e-mail: dick.peterson@meritide.com

Please contact the undersigned if you need any additional information. Thank you for your consideration.

Sincerely,

Richard B. Peterson
Authorized Representative of the
Winnebago Public Schools



Cc: Fred Williams
Superintendent
Winnebago Public School District
P.O. Box KK, Highway 77 & 75
Winnebago, NE 68071

Administrator
Schools and Libraries Division
Universal Services Administrative Company
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Attachments:

Exhibit A – Original Appeal dated September 17, 2001

Exhibits B-1 through B-6 – The Administrator's Decisions on Appeal

Exhibit C – Page 15 of the Instructions for Form 470

Exhibit D – Release entitled "Documentation of "Postmark" for Manually Submitted Form 471 Application Materials"

Exhibits E-1 and E-2 – Authorization letters for Appeal

MERITIDE™

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September 17, 2001

Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: Funding Commitment Decision Letters for Funding Year 4 (2001-2002)
Winnebago Public School District, Winnebago, NE
Billed Entity Number: 138308
Relating to the following Form 471 Application Numbers:
259869
259989
260081
260153
260240
260261

Ladies and Gentlemen:

This is an appeal of the above referenced Funding Commitment Decision Letters.

Meritide, Inc. and the undersigned Richard B. Peterson have been engaged as technology consultants for the Winnebago Public School District, Winnebago, Nebraska and have been requested and authorized to make and process this appeal of the Funding Commitment Decision Letters for the above referenced Form 471 Applications. Contact information for the person who can most readily discuss this appeal with SLD is:

Richard B. Peterson
Meritide, Inc.
708 Cleveland Avenue SW #200
St. Paul, MN 55112
Phone: (651) 255-7302
Fax: (651) 255-7302 (same as phone)
Cellular: (612) 867-9803
Toll Free: 866-MERITIDE
e-mail: dick.peterson@meritide.com

MERITIDE, INC.
708 CLEVELAND AVENUE S.W.
ST. PAUL, MN 55112
TEL: 651-255-7300
FAX: 651-255-7299
WWW.MERITIDE.COM

The item being appealed by this letter of appeal is the Funding Commitment Decision on each Funding Commitment Report attached to the Funding Commitment Decision Letters referenced above. All of the Funding Commitment Decisions were " \$0.00 - 470 Not Certified" and the Funding Commitment Decision Explanation for each Funding Commitment Report was "The FRN references a form 470 which has not been certified."

Mr. Raymond Girard was the member of the faculty at Winnebago Public Schools who had the responsibility for applying for the E-rate program on behalf of the schools. He prepared the Form 470 Application in question and submitted it electronically on Saturday December 9, 2001. At that time the Form 470 carried Applicant's Form 470 Identifier of: "479Bago2000" and was given a Form 470 Application Number of: "412440000338204". Mr. Girard printed a copy of the Form 470 Application and signed the certification required in Block 5 and mailed that signed certification to SLD on Monday December 11, 2000. Mr. Girard is no longer on the faculty of Winnebago Public Schools, however, he has executed the attached Affidavit affirming these matters. Attached to that affidavit is a complete copy of the Form 470 Application including the signed Block 5.

The E-rate program is very significant to the education of the Winnebago Public Schools student population, which is primarily Native American from the surrounding Reservation. Winnebago Public Schools is located in a Rural area and has such a high percentage of students eligible for the National School Lunch Program that the E-rate discount applicable for the Winnebago Public Schools is 90%. The above referenced Form 471 Applications represent a total commitment to technology of \$140,377.25 and a requested discount at the 90% rate of \$126,339.52. We therefore respectfully request your favorable consideration of this appeal.

Please contact the undersigned if you need any additional information. Thank you for your consideration.

Sincerely,



Richard B. Peterson
Authorized Representative of the
Winnebago Public Schools

Cc: Dr. Virgil Likness
Superintendent
Winnebago Public School District

MERITIDE

Exhibit A Page 3

AFFIDAVIT

State of Nebraska)
) Ss.
County of Nemaha)

The undersigned Raymond Girard, being first duly sworn, hereby states and affirms as follows:

1. That he was a member of the faculty of the Winnebago Public School District, Winnebago, Nebraska, during the school year commencing in August 2000 and ending in June 2001 and had responsibility for applying for E-rate grants on behalf of said school district for Funding Year 4 (2001-2002);
2. That on December 9, 2001 he prepared and submitted electronically FCC Form 470 for Funding Year 4 on behalf of Winnebago Public School District;
3. That said Form 470 carried Applicant's Form Identifier of 470Bago2000 and that said Form 470 was given Form 470 Application Number 412440000338204 at the time that it was submitted electronically;
4. That prior to submitting said Form 470 electronically, the undersigned printed a full and correct copy of the electronic Form 470 and that on or about December 9, 2000, the undersigned signed the certification at Block 5 of said Form 470; and
5. That on or about December 11, 2000, the undersigned mailed, by United States Mail, the signed Block 5 certification to SLD-Form 470, P.O. Box 7026, Lawrence Kansas 66044-7026.

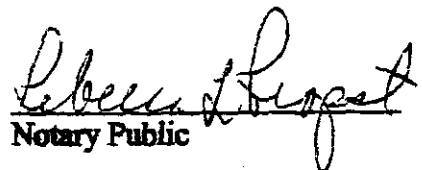
Further Affiant sayeth not.


Raymond Girard

State of Nebraska)
) Ss.
County of Nemaha)

Raymond Girard acknowledged the foregoing affidavit before me this 15 day of September 2001

 GENERAL NOTARY-State of Nebraska
REBECCA L. PROBST
My Comm. Exp. 7-1-05


Notary Public

FCC Form

Approval by OMB
3060-0806

470

Schools and Libraries Universal Service
Description of Services Requested
and Certification Form

Estimated Average Burden Hours Per Response: 5.0 hours

This form is designed to help you describe the eligible telecommunications-related services you seek so that this data can be posted on the Fund Administrator website and interested service providers can identify you as a potential customer and compete to serve you.

Please read instructions before completing.

(To be completed by entity that will negotiate with providers.)

Block 1: Applicant Address and Identifications
(School, library, or consortium desiring Universal Service funding.)

Form 470 Application Number: 412440000338204

Applicant's Form Identifier: 470Bago2000

Application Status: COMPLETE

Posting Date: 12/19/2000

Allowable Contract Date: 01/16/2001

Certification Received Date:

1. Name of Applicant:
WINNEBAGO PUBLIC SCHOOL DIST

2. Funding Year:
07/01/2001 - 06/30/2002

3. Your Entity Number
138308

4. Applicant's Street Address, P.O.Box, or Route Number

a. Street
HIGHWAY 77 & 75

City WINNEBAGO	State NE	Zip Code 5Digit 68071	Zip Code 4Digit
-------------------	-------------	--------------------------	-----------------

b. Telephone number
(402) 878- 2224

ext.

c. Fax number
(402) 878- 2472

d. E-mail Address
rgirard@esul.org

5. Type Of Applicant (Check only one box)

- ☐ Library (including library system, library branch, or library consortium applying as a library)
- ☐ Individual School (individual public or non-public school)
- ☒ School District (LEA; public or non-public [e.g., diocesan] local district representing multiple schools)
- ☐ Consortium (intermediate service agencies, states, state networks, special consortia)

6a. Contact Person's Name: Raymond Girard

6b. Street Address, P.O.Box, or Route Number (If different from Item 4)

☐ HIGHWAY 77 & 75

City WINNEBAGO	State NE	Zip Code 5Digit 68071	Zip Code 4Digit
-------------------	-------------	--------------------------	-----------------

☐ 6c. Telephone Number (10 digits + ext.) (402) 878- 2224

☐ 6d. Fax Number (10 digits) (402) 878- 2472

☒ 6e. E-mail Address (50 characters max.) rgirard@esul.org

Block 2: Summary Description of Needs or Services Requested

7 This Form 470 describes (check all that apply):

- a. ☒ Tariffed services - telecommunications services, purchased at regulated prices, for which the applicant has no signed, written contract. A new Form 470 must be filed for tariffed services for each funding year.
- b. ☒ Month-to-month services for which the applicant has no signed, written contract. A new Form 470 must be filed for these services for each funding year.
- c. ☒ Services for which a new written contract is sought for the funding year in Item 2.
- d. ☐ A multi-year contract signed on or before 7/10/97 but for which no Form 470 has been filed in a previous program year.

NOTE: Services that are covered by a qualified contract for all or part of the funding year in Item 2 do **NOT** require filing of Form 470. A qualified contract is a signed, written contract executed pursuant to posting a Form 470 in a previous program year **OR** a contract signed on/before 7/10/97 and reported on a Form 470 in a previous year as an existing contract.

8 ☒ Telecommunications Services

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

- a. ☒ YES, I have an RFP. Choose one of the following: It is available on the Web at
or via ☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b. ☐ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Telecommunications Services you seek. Specify each service or function (e.g., local voice service) and quantity and/or capacity (e.g., 20 existing lines plus 10 new ones). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Telecommunications Services, and remember that only common carrier telecommunications companies can provide these services under the universal service support mechanism. Add additional lines if needed.

9 ☒ Internet Access

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

- a. ☒ YES, I have an RFP. Choose one of the following: It is available on the Web at
or via ☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b. ☐ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internet Access Services you seek. Specify each service or function (e.g., monthly Internet service) and quantity and/or capacity (e.g., for 500 users). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internet Access Services. Add additional lines if needed.

10 ☒ Internal Connections

Do you have a Request for Proposal (RFP) that specifies the services you are seeking ?

- a. ☒ YES, I have an RFP. Choose one of the following: It is available on the Web at
or via ☒ the Contact Person in Item 6 or ☐ the contact listed in Item 11.

- b. ☐ NO, I do not have an RFP for these services.

If you answered NO, you must list below the Internal Connections Services you seek. Specify each service or function (e.g., local area network) and quantity and/or capacity (e.g., connecting 10 rooms and 300 computers at 56Kbps or better). See the Eligible Services List at www.sl.universalservice.org for examples of eligible Internal Connections Services. Add additional lines if needed.

11 (Optional) Please name the person on your staff or project who can provide additional technical details or answer specific questions from service providers about the services you are seeking. This need not be the contact person listed in Item 6 nor the signer of this form.

Name:

Raymond Girard

Title:

Technology Specialist

Telephone number (10 digits + ext.)

(402) 878 - 2227

Fax number

0 -

E-mail Address (50 characters max.)

rgirard@esul.org

12. ☐ Check here if there are any restrictions imposed by state or local laws or regulations on how or when providers may contact you or on other bidding procedures. Please describe below any such restrictions or procedures, and/or give Web address where they are posted.

13. (Optional) Purchases in future years: If you have plans to purchase additional services in future years, or expect to seek new contracts for existing services, summarize below (including the likely time-frames).

Block 3: Technology Assessment

14. ☐ Basic telephone service only: If your application is for basic local and long distance voice telephone service only, check this box and skip to Item 16.

15. Although the following services and facilities are ineligible for support, they are usually necessary to make effective use of the eligible services requested in this application. Unless you indicated in Item 14 that your application is ONLY for basic telephone service, you must check at least one box in (a) through (e). You may provide details for purchases being sought.

a. Desktop communications software: Software required ☐ has been purchased; and/or ☒ is being sought.

b. Electrical systems: ☒ adequate electrical capacity is in place or has already been arranged; and/or ☐ upgrading for additional electrical capacity is being sought.

c. Computers: a sufficient quantity of computers ☐ has been purchased; and/or ☒ is being sought.

d. Computer hardware maintenance: adequate arrangements ☐ have been made; and/or ☒ are being sought.

e. Staff development: ☐ all staff have had an appropriate level of training or additional training has already been scheduled; and/or ☒ training is being sought.

f. Additional details: Use this space to provide additional details to help providers to identify the services you desire.

Block 4: Recipients of Service

16. Eligible Entities That Will Receive Service:

Check the ONE choice that best describes this application and the eligible entities that will receive the services described in this application.

You must select a state if (b) or (c) is selected:

a. ☒ Individual school or single-site library: Check here, and enter the billed entity in Item 17.

b. ☐ Statewide application (check all that apply):

- ☐ All public schools/districts in the state:
- ☐ All non-public schools in the state:
- ☐ All libraries in the state:

If your statewide application includes INELIGIBLE entities, check here. ☐ If checked, complete Item 18.

c. ☐ School district, library system, or consortium application to serve multiple eligible sites:

Number of eligible sites	
<i>For these eligible sites, please provide the following</i>	
Area Codes (list each unique area code)	Prefixes associated with each area code (first 3 digits of phone number) separate with commas, leave no spaces
If your application includes INELIGIBLE entities, check here. <input type="checkbox"/> If checked, complete Item 18.	

17. Billed Entities

Entity Name	Entity Number
WINNEBAGO PUBLIC SCHOOL DIST	138308

18. Ineligible Entities

Ineligible Participating Entity	Entity Number	Area Code	Prefix

Block 5: Certification

19. The applicant includes: (Check one or both)

- a. ☒ schools under the statutory definitions of elementary and secondary schools found in the Elementary and Secondary Education Act of 1965, 20 U.S.C. Secs. 8801(14) and (25), that do not operate as for-profit businesses, and do not have endowments exceeding \$50 million; and/or
- b. ☐ libraries or library consortia eligible for assistance from a State library administrative agency under the Library Services and Technology Act of 1996 that do not operate as for-profit businesses and whose budgets are completely separate from any school (including, but not limited to) elementary and secondary schools, colleges and universities.

20. All of the individual schools, libraries, and library consortia receiving services under this application are covered by:

- a. ☒ individual technology plans for using the services requested in the application
- b. ☐ higher-level technology plans for using the services requested in the application
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.

21. Status of technology plans (if representing multiple entities with mixed technology plan status, check both a and b):

- a. ☒ technology plan(s) has/have been approved by a state or other authorized body.
- b. ☐ technology plan(s) will be approved by a state or other authorized body.
- c. ☐ no technology plan needed; application requests basic local and long distance telephone service only.

22. ☒ I certify that the services the applicant purchases at discounts provided by 47 U.S.C. Sec. 254 will be used solely for educational purposes and will not be sold, resold, or transferred in consideration for money or any other thing of value.

23. ☒ I recognize that support under this support mechanism is conditional upon the school(s) or library(ies) I represent securing access to all of the resources, including computers, training, software, maintenance, and electrical connections necessary to use the services purchased effectively.

24. ☒ I certify that I am authorized to submit this request on behalf of the above-named entities, that I have examined this request, and to the best of my knowledge, information, and belief, all statements of fact contained herein are true.

25. Signature of authorized person: ☐

Raymond Girard

26. Date (mm/dd/yyyy):

12/9/2000

27. Printed name of authorized person: Raymond Girard

28. Title or position of authorized person: Technology Specialist

29. Telephone number of authorized person: (402) 878 - 2224 ext.



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

February 5, 2002

Richard B. Peterson
Meritide Inc.
Re: Winnebago Public School District
708 Cleveland Avenue SW #200
St. Paul, MN 55112

Re: Billed Entity Number: 138308
471 Application Number: 259869
Funding Request Number(s): 656402
Your Correspondence Dated: September 17, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 656402

Decision on Appeal: **Denied in full**

Explanation:

- You have stated in your appeal letter that Mr. Raymond Girard mailed the certification for your Form 470 on December 11, 2000. You have included with your appeal a Notarized Affidavit affirming this fact.
- Our records indicate that your Form 470 Certification was not certified. You indicated that you could not provide a return receipt showing that the Form 470 Certification was mailed prior to January 18th, 2001. Therefore, the SLD must rely on its records.
- Program rules for Funding Year Four require that Form 470 Certifications be postmarked no later than January 18th, 2001 in order for the Form 470 to be valid and establish the bidding for these services. Since our records indicate that your

Exhibit B-1 Page 2

Form 470 Certification did not meet this requirement, it cannot be used to establish the bidding for this service. During initial review you indicated that this was the establishing Form 470. Consequently, your appeal is denied for referencing a Form 470 that was not certified before the close of the filing window.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Cc: Raymond Girard
Winnebago Public School District
Highway 77 & 75
Winnebago, NE 68071



Exh. b.1 B-2 Page 1

Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

February 5, 2002

Richard B. Peterson
Meritide Inc.
Re: Winnebago Public School District
708 Cleveland Avenue SW #200
St. Paul, MN 55112

Re: Billed Entity Number: 138308
471 Application Number: 259989
Funding Request Number(s): 656743
Your Correspondence Dated: September 17, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 656743

Decision on Appeal: **Denied in full**

Explanation:

- You have stated in your appeal letter that Mr. Raymond Girard mailed the certification for your Form 470 on December 11, 2000. You have included with your appeal a Notarized Affidavit affirming this fact.
- Our records indicate that your Form 470 Certification was not certified. You indicated that you could not provide a return receipt showing that the Form 470 Certification was mailed prior to January 18th, 2001. Therefore, the SLD must rely on its records.
- Program rules for Funding Year Four require that Form 470 Certifications be postmarked no later than January 18th, 2001 in order for the Form 470 to be valid and establish the bidding for these services. Since our records indicate that your

Exhibit B-2 Page 2

Form 470 Certification did not meet this requirement, it cannot be used to establish the bidding for this service. During initial review you indicated that this was the establishing Form 470. Consequently, your appeal is denied for referencing a Form 470 that was not certified before the close of the filing window.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Cc: Raymond Girard
Winnebago Public School District
Highway 77 & 75
Winnebago, NE 68071



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

February 5, 2002

Richard B. Peterson
Meritide Inc.
Re: Winnebago Public School District
708 Cleveland Avenue SW #200
St. Paul, MN 55112

Re: Billed Entity Number: 138308
471 Application Number: 260081
Funding Request Number(s): 657285
Your Correspondence Dated: September 17, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 657285

Decision on Appeal: **Denied in full**

Explanation:

- You have stated in your appeal letter that Mr. Raymond Girard mailed the certification for your Form 470 on December 11, 2000. You have included with your appeal a Notarized Affidavit affirming this fact.
- Our records indicate that your Form 470 Certification was not certified. You indicated that you could not provide a return receipt showing that the Form 470 Certification was mailed prior to January 18th, 2001. Therefore, the SLD must rely on its records.
- Program rules for Funding Year Four require that Form 470 Certifications be postmarked no later than January 18th, 2001 in order for the Form 470 to be valid and establish the bidding for these services. Since our records indicate that your

Exhibit B-3 Page 2

Form 470 Certification did not meet this requirement, it cannot be used to establish the bidding for this service. During initial review you indicated that this was the establishing Form 470. Consequently, your appeal is denied for referencing a Form 470 that was not certified before the close of the filing window.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Cc: Raymond Girard
Winnebago Public School District
Highway 77 & 75
Winnebago, NE 68071



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

February 5, 2002

Richard B. Peterson
Meritide Inc.
Re: Winnebago Public School District
708 Cleveland Avenue SW #200
St. Paul, MN 55112

Re: Billed Entity Number: 138308
471 Application Number: 260153
Funding Request Number(s): 657526
Your Correspondence Dated: September 17, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 657526

Decision on Appeal: **Denied in full**

Explanation:

- You have stated in your appeal letter that Mr. Raymond Girard mailed the certification for your Form 470 on December 11, 2000. You have included with your appeal a Notarized Affidavit affirming this fact.
- Our records indicate that your Form 470 Certification was not certified. You indicated that you could not provide a return receipt showing that the Form 470 Certification was mailed prior to January 18th, 2001. Therefore, the SLD must rely on its records.
- Program rules for Funding Year Four require that Form 470 Certifications be postmarked no later than January 18th, 2001 in order for the Form 470 to be valid and establish the bidding for these services. Since our records indicate that your

Exhibit B-4 Page 2

Form 470 Certification did not meet this requirement, it cannot be used to establish the bidding for this service. During initial review you indicated that this was the establishing Form 470. Consequently, your appeal is denied for referencing a Form 470 that was not certified before the close of the filing window.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Cc: Raymond Girard
Winnebago Public School District
Highway 77 & 75
Winnebago, NE 68071



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

February 5, 2002

Richard B. Peterson

Meritide Inc.

Re: Winnebago Public School District

708 Cleveland Avenue SW #200

St. Paul, MN 55112

Re: Billed Entity Number: 138308
471 Application Number: 260240
Funding Request Number(s): 657861
Your Correspondence Dated: September 17, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 657861

Decision on Appeal: **Denied in full**

Explanation:

- You have stated in your appeal letter that Mr. Raymond Girard mailed the certification for your Form 470 on December 11, 2000. You have included with your appeal a Notarized Affidavit affirming this fact.
- Our records indicate that your Form 470 Certification was not certified. You indicated that you could not provide a return receipt showing that the Form 470 Certification was mailed prior to January 18th, 2001. Therefore, the SLD must rely on its records.
- Program rules for Funding Year Four require that Form 470 Certifications be postmarked no later than January 18th, 2001 in order for the Form 470 to be valid and establish the bidding for these services. Since our records indicate that your

Form 470 Certification did not meet this requirement, it cannot be used to establish the bidding for this service. During initial review you indicated that this was the establishing Form 470. Consequently, your appeal is denied for referencing a Form 470 that was not certified before the close of the filing window.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Cc: Raymond Girard
Winnebago Public School District
Highway 77 & 75
Winnebago, NE 68071



Universal Service Administrative Company
Schools & Libraries Division

Administrator's Decision on Appeal - Funding Year 2001-2002

February 5, 2002

Richard B. Peterson
Meritide Inc.
Re: Winnebago Public School District
708 Cleveland Avenue SW #200
St. Paul, MN 55112

Re: Billed Entity Number: 138308
471 Application Number: 260261
Funding Request Number(s): 657981,658007,658032,658061
Your Correspondence Dated: September 17, 2001

After thorough review and investigation of all relevant facts, the Schools and Libraries Division ("SLD") of the Universal Service Administrative Company ("USAC") has made its decision in regard to your appeal of SLD's Year Four Funding Commitment Decision for the Application Number indicated above. This letter explains the basis of SLD's decision. The date of this letter begins the 60-day time period for appealing this decision to the Federal Communications Commission ("FCC"). If your letter of appeal included more than one Application Number, please note that for each application for which an appeal is submitted, a separate letter is sent.

Funding Request Number(s): 657981,658007,658032,658061

Decision on Appeal: **Denied in full**

Explanation:

- You have stated in your appeal letter that Mr. Raymond Girard mailed the certification for your Form 470 on December 11, 2000. You have included with your appeal a Notarized Affidavit affirming this fact.
- Our records indicate that your Form 470 Certification was not certified. You indicated that you could not provide a return receipt showing that the Form 470 Certification was mailed prior to January 18th, 2001. Therefore, the SLD must rely on its records.
- Program rules for Funding Year Four require that Form 470 Certifications be postmarked no later than January 18th, 2001 in order for the Form 470 to be valid and establish the bidding for these services. Since our records indicate that your Form 470 Certification did not meet this requirement, it cannot be used to

Exhibit B-6 Page 2

establish the bidding for this service. During initial review you indicated that this was the establishing Form 470. Consequently, your appeal is denied for referencing a Form 470 that was not certified before the close of the filing window.

If you believe there is a basis for further examination of your application, you may file an appeal with the Federal Communications Commission (FCC) via United States Postal Service: FCC, Office of the Secretary, 445-12th Street SW, Washington, DC 20554. If you are submitting your appeal to the FCC by other than United States Postal Service, check the SLD web site for more information. Please reference CC Docket Nos. 96-45 and 97-21 on the first page of your appeal. **The FCC must RECEIVE your appeal WITHIN 60 DAYS OF THE ABOVE DATE ON THIS LETTER for your appeal to be filed in a timely fashion.** Further information and new options for filing an appeal directly with the FCC can be found in the "Appeals Procedure" posted in the Reference Area of the SLD web site, www.sl.universalservice.org.

We thank you for your continued support, patience, and cooperation during the appeal process.

Schools and Libraries Division
Universal Service Administrative Company

Cc: Raymond Girard
Winnebago Public School District
Highway 77 & 75
Winnebago, NE 68071

Exhibit C

Item (24) requires the person authorized to complete Form 470 to certify to the accuracy of the form.

Items (25) – (29) – The authorized person must sign the form (using an original ink signature) and provide the signature date, printed name, title, and telephone number.

For applicants filing electronically, online:

- When you have completed this form, but before you select the “submit” button at the bottom of Block 5, use your browser to print each page of the application so that you may retain this copy for your records. If you do not print each page of the application before you “submit,” you will NOT have a record of your application.
- You MUST print the Block 5 Certification and submit the signed Certification to the SLD. When you print Block 5 using the browser, the form will automatically include your Form 470 Application Number, Applicant Name, and Applicant Address. Mail the signed Block 5 Certification to: **SLD-Form 470, P.O. Box 7026, Lawrence, Kansas 66044-7026**. For express delivery or U.S. Postal Service Return Receipt Requested, send to: **SLD-Form 470, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046, phone (888) 203-8100.**
- If you have submitted Form 470 electronically but have problems printing Block 5, you may complete and submit by mail page 1 AND page 5 of a paper copy of Form 470. Do NOT fill out the entire paper application as a duplicate of what you have just submitted electronically. Make sure that you put your Form 470 Application Number on the top of page 1 and page 5.

For applicants filing this form manually:

After the authorized person signs Item (25) with an original ink signature, check to be certain that all other required items—including Items (26)–(29)—are properly completed. Make a copy of your entire form to keep for your records. Then submit your original form by mail to: **SLD-Form 470, P.O. Box 7026, Lawrence, Kansas 66044-7026**. For express delivery or U.S. Postal Service Return Receipt, send to: **SLD-Form 470, c/o Ms. Smith, 3833 Greenway Drive, Lawrence, Kansas 66046, phone (888) 203-8100**. **No Forms 470 will be accepted via e-mail or fax.**

the necessary information to complete their Form 471 within the window, and their funding may be jeopardized.

You can reach the Client Service Bureau by calling 1-888-203-8100.

SLD Client Service Bureau Hours on January

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17 (1/16/02)

Documentation of "Postmark" for Manually Submitted Form 471 Application Materials (1/15/02)

Applicants who manually submit any Form 471 application materials are advised to keep proof of the date of mailing of those materials.

- Applicants who send application materials via the United States Postal Service (USPS) mail should obtain a "Certificate of Mailing" from the USPS (Form 3817) which will give the applicant a receipt showing the postmark date;
- Applicants who send application materials via express delivery services should obtain a copy of the tracking document showing the date that the application materials were "picked up" by the delivery service;
 - Applicants who send application materials via a third-party service may use a dated receipt from the service who took responsibility for delivery of those materials, even if the express delivery is made by another provider; OR
- Applicants who hand-deliver application materials to the NCS Pearson facility in Lawrence, Kansas should obtain the dated receipt that will be provided to them by the guard who accepts their package.

]*

Documentation of "Postmark" for Manually

Top of Page

Submitted Form 471 Application Materials (1/15/02)

Applicants who manually submit any Form 471 application materials are advised to keep proof of the date of mailing of those materials.

- Applicants who send application materials via the United States Postal Service (USPS) mail should obtain a "Certificate of Mailing" from the USPS (Form 3817) which will give the applicant a receipt showing the postmark date;
- Applicants who send application materials via express delivery services should obtain a copy of the tracking document showing the date that the application materials were "picked up" by the delivery service;
 - Applicants who send application materials via a third-party service may use a dated receipt from the service who took responsibility for delivery of those materials, even if the express delivery is made by another provider; OR
- Applicants who hand-deliver application materials to the NCS

Exhibit E-1

WINNEBAGO PUBLIC SCHOOLS

P.O. Box KK, Highway 77 & 75

Winnebago, Nebraska 68071

Phone (402) 878-2224 Fax (402) 878-2472

February 21, 2002

Federal Communications Commission
Office of the Secretary
445 12th Street, S.W.
Room TW-A325
Washington, DC 20554

In the matter of: Request for Review by Winnebago Public School District,
Winnebago, Nebraska of Administrator's Decision on Appeal-
Funding Year 2001-2002 by the Schools and Libraries Division
Of the Universal Service Administrative Company
FCC Docket Nos. 96-45 and 97-21

This appeal is
In reference to: Winnebago Public School District, Winnebago, NE
Billed Entity Number: 138308
Relating to the following form 471 Application Numbers:
259869
259989
260081
260153
260240
260261

Dear Commissioners:

This letter is to confirm that the Winnebago Public School District has engaged Meritide, Inc., and Richard B. Peterson as technology consultants for the Winnebago Public School District, Winnebago Nebraska and that Meritide, Inc. and Richard B. Peterson have been requested and authorized to make And process the above captioned appeal.

Sincerely,



Fred Williams
Superintendent of Schools

Exhibit E-2
WINNEBAGO PUBLIC SCHOOLS

P.O. Box KK, Highway 77 & 75
Winnebago, Nebraska 68071
Phone (402) 878-2224 Fax (402) 878-2472

September 17, 2001

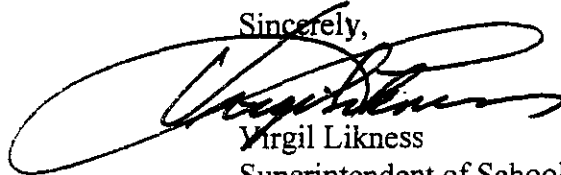
Letter of Appeal
Schools and Libraries Division
Box 125 – Correspondence Unit
80 South Jefferson Road
Whippany, NJ 07981

Re: Funding Commitment Decision Letters for Funding Year 4 (2001-2002)
Winnebago Public School District, Winnebago, NE
Billed Entity Number: 138308
Relating to the following Form 471 Application Numbers:
259869
259989
260081
260153
260240
260261

Ladies and Gentlemen:

This letter is to confirm that the Winnebago Public School District has engaged Meritide, Inc. and Richard B. Peterson as technology consultants for the Winnebago Public School District, Winnebago, Nebraska and that Meritide, Inc. and Richard B. Peterson have been requested and authorized to make and process the **appeal of the Funding Commitment Decision Letters for the above referenced Form 471 Applications**. Mr. Peterson has mailed that appeal from his Minnesota Office today, September 17, 2001.

Sincerely,



Virgil Likness
Superintendent of Schools